IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated : Nainital the 15th of February, 2006

Bail Application No. 36 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Samoon
S/o Nisar
R/o Village – Lathardeva Shekh
Police Station – Jhabreda
District - Haridwar ..... Applicant

Versus

State of Uttaranchal .....Opposite Party

In Case Crime No. 76 of 2005
U/s 323, 452, 336, 307 and 302 I.P.C.
Police Station – Jhabreda
District – Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Sri Arvind Vashist, learned counsel for the applicant, learned AGA for the State and perused the record.

The co-accused Muntazir and Taushif have been released on bail vide Court's order dated 13.02.2006. it was pointed out by the learned counsel for the applicant that the statement of Mahmood and Shakeel who have been nominated as eyewitnesses in the F.I.R. had not been recorded u/s 161 of Cr.P.C. till January by the Investigating Officer. The only statement of Ashrad has been recorded by the Investigating Officer. According to the post-mortem report, there is no fire-arm injury on the person of the deceased. It is alleged in the F.I.R. that the accused was having the C.M.P. in his hand and fired upon the deceased.

Considering the facts and circumstance of the case in totality, it a fit case for bail.

Let the applicant-accused, Samoon be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated 15.02.2006
Shiv